

APPENDIX E

MS4 PERFORMANCE STANDARDS

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The following Measurable Goals from Lexington-Fayette Urban County Government's (LFUCG) Storm Water Quality Management Program (SWQMP) shall constitute Performance Standards for purposes of the Consent Decree. For ease of reference, the Performance Standards are numbered the same as they are numbered as Measurable Goals in the SWQMP.

LFUCG's renewed KPDES Permit for its Municipal Separate Storm Sewer System (MS4) will apply to its MS4 throughout Fayette County due to LFUCG's status as a merged urban-county government. However, not all the SWQMP components apply in rural areas of Fayette County. The Performance Standards in the following programs currently do not apply outside "Urban Areas" as defined in the SWQMP: Illicit Discharge Detection and Elimination (except as associated with the industrial facilities program); Pollution Prevention in Residential and Commercial Areas; and Pollution Prevention for Municipal Operations. Definitions set forth in the SWQMP shall apply to terms used in the Performance Standards set forth below.

Illicit Discharge Detection and Elimination (IDDE) Performance Standards

1. Complete review and update of current Major Outfall mapping and inventory by January 31, 2010.
2. Develop schedule and then field verify current Major Outfall mapping and inventory by January 31, 2010.
5. Inspect the drainage system for illicit discharges by the end of the renewed MS4 KPDES Permit cycle, beginning with high priority storm sewersheds.
6. Complete and commence implementation by January 31, 2009, of procedures for conducting inspections and investigations when monitoring data, reported incidents, or other information indicate the likely existence of an illicit discharge.
7. Commencing in calendar year 2008, conduct dry weather screening at no less than 125 locations every year, which may include Major Outfalls and other screening points selected by LFUCG.
8. Commencing in calendar year 2008, conduct dry weather screening of identified Major Outfalls once every two years.
10. Develop database to track the IDDE program by January 31, 2009.
23. Commencing in calendar year 2008, conduct one training session regarding illicit discharge detection and elimination per year for employees carrying out LFUCG's illicit discharge detection and elimination program.

27. By January 31, 2009, develop and commence implementation of a protocol for elimination of confirmed illicit discharges.

Construction Site Storm Water Runoff Control (CS) Performance Standards

5. By January 31, 2009, review construction site inspection and enforcement procedures and the existing inspection checklist and develop and commence implementation of revised procedures and checklist. Revised enforcement procedures shall provide for use of escalating enforcement remedies. Such procedures shall serve as a guide in LFUCG's enforcement program but shall not limit LFUCG's enforcement discretion in particular cases.
6. Commencing with the first full calendar month after entry of the Consent Decree, conduct monthly inspections of at least 90% of Active Construction Sites with reasonable potential to discharge to the MS4.
8. By January 31, 2009, develop a database to track Active Construction Sites, inspections, and enforcement actions.
13. Conduct one training session regarding construction site storm water runoff control per year for employees carrying out LFUCG's construction site storm water runoff control program. After July 1, 2008, only inspections carried out by employees who have received such training will count as inspections meeting the requirements of Performance Standard CS - 6.
15. By January 31, 2009, develop and commence implementation of procedures for summary review of construction site erosion control plans to assess whether plans reasonably include measures that address potential water quality impacts from construction prior to authorization of land disturbance.

Pollution Prevention in Residential and Commercial Areas (PPRC) Performance Standards

2. By January 31, 2010, review and update, as appropriate, with the goal of improving water quality in stormwater discharges from new development and redevelopment, engineering design standards, applicable sections of the Subdivision Regulations, and the procedures for reviewing development plans for compliance with stormwater management requirements, and reevaluate every three years thereafter. Consistent with the goal of improving water quality, in conducting the review and update, and successive reevaluations, LFUCG shall also have a goal of identifying and removing any legal impediments to, and facilitating the use of, "green infrastructure" alternatives to managing post-construction storm water, such as infiltration, reuse, and evapotranspiration.
6. By January 31, 2009, develop and propose an ordinance to the UCC that would require proper maintenance, cleaning, and repair of privately-owned stormwater control structures which were required under approved plans or ordinances.

9. By January 31, 2009, develop and commence implementation of a program to maintain publicly-owned or operated stormwater controls. Such program shall address publicly owned or operated retention ponds, detention basins, stormceptors, catch basins, culvert inlets, and open channels. Such program shall provide for inspections in accordance with the inspection frequency outlined in Exhibit 1 – Inspection Frequency for Stormwater Controls. Such program shall further provide for the scheduling and implementation of cleaning, maintenance, and repairs determined to be necessary during inspections.
10. Commencing in calendar year 2009, annually update the inventory and map of post-construction stormwater controls, including retention ponds, detention basins, and Storm Water Quality Treatment Facilities.
11. Develop an inventory and a map of publicly-owned storm sewer pipes 18” and larger by the end of the renewed MS4 KPDES Permit cycle. After this initial effort, the inventory and map will be updated annually.
14. Commencing with the first full calendar month after entry of the Consent Decree, ensure the inspection of at least 90% of the publicly and privately owned detention basins with reasonable potential to discharge pollutants to the MS4 at least two times a year.
15. Commencing with the first full calendar month after entry of the Consent Decree, ensure the inspection of at least 90% of the publicly and privately owned retention ponds with reasonable potential to discharge pollutants to the MS4 at least once a month.
16. Commencing with the first full calendar month after entry of the Consent Decree, ensure the inspection of at least 90% of the culverts in Appendix LL of the SWQMP for clogging and excessive buildup of sediment at least once a month and within three days of a rainfall of 1 inch or more in a calendar day.
17. By January 31, 2009, based upon results of inspections, prepare a prioritized schedule for and perform necessary repairs, cleaning, and maintenance for those structures in Exhibit 1 – Inspection Frequency for Stormwater Controls for which LFUCG is responsible.
28. By January 31, 2010, develop and commence implementation of a program to require private owners of stormwater controls to conduct necessary maintenance, cleaning and repairs of such controls. Such program shall address privately owned retention ponds, detention basins, and other Storm Water Quality Treatment Facilities.

Pollution Prevention for Municipal Operations (PPMO) Performance Standards

12. Develop an inspection schedule for known stormwater quality controls at LFUCG Facilities by January 31, 2009, and commence implementation of the inspection schedule by January 31, 2010.

14. Inspect known stormwater quality controls at LFUCG Facilities once during the renewed MS4 KPDES Permit cycle or at the frequency specified in the inspection schedule. Schedule and perform any necessary maintenance, cleaning or repairs based on results of inspections.

Industrial Facility and Municipal Waste Facility Stormwater Pollution Prevention Program (IN) Performance Standards

1. Update the inventory of Industrial Facilities with reasonable potential to discharge pollutants to the MS4 on an annual basis commencing January 31, 2009.
2. By January 31, 2009, develop a database to track relevant information, including enforcement and corrective action, regarding Industrial Facilities and High-Risk Commercial Facilities.
3. Compile an inventory of High-Risk Commercial Facilities by July 1, 2008. Update this inventory annually commencing in calendar year 2009.
4. By July 1, 2009, develop and propose an ordinance to the UCC that would require regulated Industrial Facilities and locally identified High-Risk Commercial Facilities to develop and implement Stormwater Pollution Prevention Plans ("SWPPPs") even if they are not otherwise required to have a SWPPP.
7. By July 1, 2008, develop SWPPPs for any Municipal Waste Facility that does not currently have one.
10. Inspect 90% of the Industrial Facilities with reasonable potential to discharge pollutants to the MS4 once every two years, commencing in calendar year 2009.
11. Inspect 20% of the High-Risk Commercial Facilities with reasonable potential to discharge pollutants to the MS4 each year, commencing in calendar year 2009.
12. By July 1, 2009, develop and propose an ordinance to the UCC that authorizes LFUCG to require Industrial Facilities and High-Risk Commercial Facilities with the potential to discharge pollutants in substantial amounts to the MS4 to develop and implement a stormwater monitoring program that includes providing the monitoring results to LFUCG.
13. Commencing in calendar year 2008, conduct wet weather outfall monitoring once per year at Municipal Waste Facilities.
14. Commencing in calendar year 2009, conduct dry weather screening at 90% of Large Industrial Outfalls of Industrial Facilities on the Inventory once every two years.
16. Upon reissuance of the renewed MS4 KPDES Permit, conduct representative outfall dry weather screening once per permit cycle.

27. By July 1, 2009, develop and commence implementation of an Industrial and High-Risk Commercial Facility enforcement protocol for detecting and enforcing against violations of storm water management requirements applicable to Industrial and High-Risk Commercial Facilities. The enforcement protocol shall provide for use of escalating enforcement remedies. Such protocol shall serve as a guide in LFUCG's enforcement program but shall not limit LFUCG's enforcement discretion in particular cases.

Water Quality Monitoring (MON) Performance Standards

11. Complete calculations of seasonal pollutant loadings and event mean concentration estimates according to the following: Town Branch and Wolf Run in calendar year 2008, South Elkhorn in calendar year 2009, Cane Run and North Elkhorn in calendar year 2010, West Hickman in calendar year 2011, and East Hickman in calendar year 2012.

Reporting and Record Keeping (RR) Performance Standards 3.

3. Complete the Annual Report each year in accordance with the schedule in the applicable KPDES Permit.

Exhibit 1
Inspection Frequency for Stormwater Controls

Stormwater Control	Inspection Frequency				
	As-Needed (Complaint Based)	Annually	Semi- Annually	Monthly	After each rainfall greater than 1 inch in a calendar day
Retention Ponds on public and private property (Appendix M), including those in Expansion Area 2				X	
Detention Basins on public and private property (Appendix M), including those in Expansion Area 2			X		
Stormceptors on Citation Boulevard		X			
Low Priority catch basins, culvert inlets, and open channels on public property	X				
Medium Priority catch basins, culvert inlets, and open channels on public property		X			
High Priority catch basins, culvert inlets, and open channels on public property (see Appendix LL for current list of culverts)				X	X
Stormwater quality treatment facilities on public and private property		X			

Notes:

1. LFUCG will conduct an initial inspection of publicly (LFUCG) owned catch basins, culvert inlets, and open channels in the Urban Areas during the first permit cycle. The definitions for low, medium, and high priority are given below:
 - High Priority – Areas that consistently generate a large volume of trash and/ or debris.
 - Medium Priority – Areas that consistently generate a moderate volume of trash and/ or debris.
 - Low Priority – Areas that generate a low volume of trash and/ or debris.
2. Catch basins include curb inlets and surface inlets.